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12 Commerce, and American Chemistry Council

13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA

16 TOY INDUSTRY ASSOCIATION, INC.,
17 AMBASSADOR TOYS LLC, CALIFORNIA
CHAMBER OF COMMERCE, and
18 AMERICAN CHEMISTRY COUNCIL

19 Plaintiffs,

20 v.

21 CITY AND COUNTY OF SAN
FRANCISCO, GAVIN NEWSOM, in his
22 official capacity as Mayor of the City and
County of San Francisco, and EDWIN LEE,
23 in his official capacity as City Administrator
of the City and County of San Francisco

24 Defendants.
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CASE NO. C-06-7111-SC

**JOINT STIPULATION AND ~~(PROPOSED)~~
ORDER TO CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE AND
RELATED DEADLINES**

1 The parties hereby jointly request that the Court continue the Initial Case Management
 2 Conference currently set for February 23, 2007, until April 27, 2007, at 10:00 a.m., and that the
 3 Court likewise continue as appropriate the related deadlines established by the Court's
 4 November 16, 2006 Order Setting Initial Case Management Conference and ADR Deadlines.
 5 The parties have stipulated to this continuance and respectfully request that the Court adopt the
 6 attached [PROPOSED] ORDER CONTINUING INITIAL CASE MANAGEMENT
 7 CONFERENCE AND RELATED DEADLINES. In support, the parties declare as follows:

8 1. On November 16, 2006, Plaintiffs filed their complaint in this matter, seeking (i) a
 9 declaration that San Francisco Ordinance No. 120-06, codified at San Francisco Health Code §§
 10 34.1-34.3, is partially preempted by the Federal Hazardous Substances Act, 15 U.S.C. §§ 1261-
 11 1278, and by regulatory actions of the federal Consumer Product Safety Commission, and (ii) an
 12 injunction against enforcement of the ordinance.

13 2. On November 16, 2006, the Court issued an Order Setting Initial Case
 14 Management Conference and ADR Deadlines. The Order sets February 23, 2007 as the time and
 15 date of the Initial Case Management Conference and sets the following related deadlines:

16 a. February 2, 2007: last day to meet and confer regarding initial
 17 disclosures, early settlement, ADR process selection, and discovery plan; to file an ADR
 18 Certification signed by Parties and Counsel and either a Stipulation to ADR Process or a Notice
 19 of Need for ADR Phone Conference.

20 b. February 16, 2007: last day to complete initial disclosures or state
 21 objection in the Rule 26(f) Report, and to file the Case Management Statement and the Rule
 22 26(f) Report.

23 3. The Defendants filed an answer to the complaint on January 2, 2007.

24 4. On January 5, 2007, the San Francisco Department of the Environment and
 25 Department of Public Health advised the Clerk of the San Francisco Board of Supervisors that
 26 they are proposing legislation amending Ordinance No. 120-06. The proposed amendment is
 27 slated for introduction to the San Francisco Board of Supervisors at the Board's regularly
 28

1 scheduled meeting on January 23, 2007.


2 5. In the event that Ordinance No. 120-06 is amended (whether in the form proposed
3 or otherwise), it is likely that the Plaintiffs would amend their complaint to address any changes
4 to the ordinance. The parties are in agreement that administrative efficiency and convenience
5 would best be served by delaying the Initial Case Management Conference and related deadlines
6 by 60 days in order to see whether and how Ordinance No. 120-06 is amended.

7 Based on the foregoing, the parties hereby jointly request, pursuant to Civil Local Rules
8 6-1(b) and 6-2, an order continuing the Initial Case Management Conference to 10:00 a.m. April
9 27, 2007, and continuing as appropriate the related deadlines set by the Court's November 16,
10 2006 scheduling Order.

11 **SO STIPULATED:**

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13 Dated: January 24, 2007

LATHAM & WATKINS LLP
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William K. Rawson
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Joel C. Beauvais

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18 By: 
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19 Association, Inc., Ambassador Toys LLC,
20 California Chamber of Commerce, and
American Chemistry Council

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22 Dennis J. Herrera
City Attorney
23 Wayne Snodgrass
24 Danny Chou
Deputy City Attorneys

25
26 By: _____
Wayne Snodgrass
27 Attorneys for Defendants City and County
of San Francisco, Gavin Newsom, and
28 Edwin Lee

1 scheduled meeting on January 23, 2007.

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3 or otherwise), it is likely that the Plaintiffs would amend their complaint to address any changes
4 to the ordinance. The parties are in agreement that administrative efficiency and convenience
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7 Based on the foregoing, the parties hereby jointly request, pursuant to Civil Local Rules
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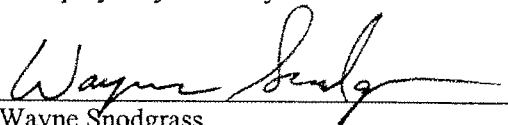
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~~PROPOSED~~ ORDER CONTINUING INITIAL CASE MANAGEMENT
CONFERENCE AND RELATED DEADLINES

In light of the parties' joint stipulation to continue the initial case management conference and related deadlines, and good cause appearing therefore, the Court hereby CONTINUES the initial case management conference ("CMC") currently set for February 23, 2007, until April 27, 2007, at 10:00 a.m. in Courtroom 1, and CONTINUES the related deadlines identified in the Court's November 16, 2006 Order as follows:

- 21 days before CMC (April 6, 2007): Last day to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan; file ADR Certification signed by Parties and Counsel; file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference.
- 7 days before CMC (April 20, 2007): Last day to complete initial disclosures or state objection in Rule 26(f) Report, file Case Management Statement, and file Rule 26(f) Report.

IT IS SO ORDERED.

Dated: 1/26, 2007

